

Remarks

Claims 1-12 are pending in the application. Claims 1-7 are rejected. Claim 1 is amended. Claims 8-12 are newly added.

Substitute specification

Attached hereto is a substitute specification and marked-up copy showing changes made therein. The substitute specification does not include any new matter, and all changes in the substitute specification are shown in the marked-up copy.

Claim rejections

Section 102

Claim 1-5 and 7 were rejected under 35 USC 102(b) as being anticipated by Buchner et al. (DE 196 49 434 C1) ("Buchner"). The Applicant respectfully traverses. Buchner cannot support the asserted rejection for at least the reason that Buchner does not disclose "wherein an operation state of the fuel cell battery is changed when measuring the voltage of a cell" as recited in independent claim 1. The noted recitation is supported in the present specification at, for example, page 3, 3rd paragraph and page 8, second paragraph.

Note is taken of the Examiner's argument that Buchner discloses changing the gas pressure. The Examiner refers in particular to the formula on page 3, line 15 of Buchner. However, this formula merely indicates that gas pressure is a parameter in the cell voltage calculation; it does not suggest changing an operation state of the fuel cell battery when measuring the fuel cell voltage as recited in claim 1. Claim 1 is therefore allowable over Buchner, as are claims 2-5 and 7 for at least the reason that they depend on Buchner. Withdrawal of the rejection of claim 1-5 and 7 as being anticipated by Buchner is therefore respectfully requested.

Section 103

Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Buchner in view of Shimanuki et al. (US 6,777,121) ("Shimanuki"). The Applicant respectfully traverses. As noted earlier, Buchner does not suggest "wherein an operation state of

the fuel cell battery is changed when measuring the voltage of a cell," as recited in claim 1 and consequently also required by claim 6 as a claim dependent on claim 1.

Shimanuki also fails to suggest this feature. Withdrawal of the asserted rejection of claim 6 is therefore respectfully requested.

New claims

New claims 8-12 are allowable over the art of record. For example, none of the art of record discloses or suggests "measuring a voltage of each cell under a condition in which the hydrogen or the hydrogen-containing gas is supplied to the anode of the fuel cell and the cathode is vacuumed," as recited in independent claim 8

Conclusion

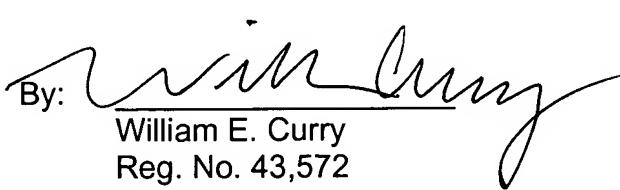
In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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